

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**CRIMINAL TRIAL MINUTE ORDER**

**Date: July 23, 2012**

**Time in Court: 5 hours 10 minutes**

**Case No.: CR-10-376-03 JSW**

**Judge: Jeffrey S. White**

**United States of America v. Oshan Cook  
Present (X) Not Present ( ) In Custody ( )**

**Chinyahi Cadet / Pete Axelrod  
U.S. Attorney**

**Doron Weinberg / Alexis Wilson Briggs  
Defense Counsel**

**Deputy Clerk: Jennifer Ottolini**

**Court Reporter: Connie Kuhl**

**PROCEEDINGS**

**REASON FOR HEARING: Jury Trial (Day 1)**

**RESULT OF HEARING: (See Attached Trial Sheet and Witness/Exhibit List)**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Case No: CR-10-376-03 JSW

Case Name: USA v. OSHAN COOK

**TRIAL SHEET, EXHIBIT and WITNESS LIST**

| <b>DISTRICT JUDGE</b><br>JEFFREY S. WHITE |          |           | <b>GOVERNMENT ATTORNEY:</b><br>Chinayi Cadet<br>Pete Axelrod |     | <b>DEFENSE ATTORNEY:</b><br>Doron Weinberg<br>Alexis Wilson Briggs  |
|---|----------|-----------|--|-----|---|
| <b>TRIAL DATE:</b><br>July 23, 2012       |          |           | <b>REPORTER(S):</b><br>Connie Kuhl                           |     | <b>CLERK:</b><br>Jennifer Ottolini  |
| GOVT NO.:                                 | DEF NO.: | TIME      | ID   | ADM | DESCRIPTION   |
|   |          | 7:50 a.m. |  |     | Court convened. All Counsel are present.<br>The Defendant is present.<br>The jury is not present.<br>Court and counsel discuss a note received from Juror No. 14. |
|   |          | 7:57 a.m. |  |     | Juror no. 14 is brought into open court.<br>Court and counsel make inquiry of Juror no. 14.   |
|   |          | 8:02 a.m. |  |     | Juror no. 14 retired to the jury room.<br>Court and counsel discuss Juror No. 14's statements.  |
|   |          | 8:05 a.m. |  |     | The jury is present.<br>The Court informed the jury of the court's schedule.  |
|   |          | 8:08 a.m. |  |     | The jury is sworn.  |
|   |          | 8:09 a.m. |  |     | The Court preliminarily instructed the jury.  |
|   |          | 8:20 a.m. |  |     | Opening statement on behalf of the Government is given by Ms. Cadet.  |
|   |          | 8:34 a.m. |  |     | Opening statement on behalf of the Defendant is given by Mr. Weinberg.  |
|   |          | 8:43 a.m. |  |     | The Government called <b>JAY DOUGLAS DIAL</b> , who was sworn and testified under direct examination by Pete Axelrod.   |
| 60A                                       |          |           | X  | X   | Photograph of Black Hat Box (Closed)  |
| 60B                                       |          |           | X  | X   | Photograph of Black Hat Box (Open)  |
| 60C                                       |          |           | X  | X   | Photograph of MDMA in black outer bag and clear inner bags  |
| 2   |          |           | X  | X   | Black Hat Box   |
| 60D                                       |          |           | X  | X   | Photograph of MDMA from buy/bust  |
| 3A  |          |           | X  | X   | MDMA taken from Edmonds on 4-22-10  |

EXHIBIT and WITNESS LIST Continued

| GOVT NO.: | DEF NO.: | TIME       | ID | ADM | DESCRIPTION   |
|-----------|----------|------------|----|-----|---|
| 32A       |          |            | X  | X   | Photograph of Cooks Black backpack with blue bag containing MDMA  |
| 32C       |          |            | X  | X   | Photograph of MDMS, LSD, and Marijuana and other items found in backpack carried by Cook on 4-22-10   |
| 32E       |          |            | X  |     | Photograph of blue bag containing MDMA and MDMA found in backpack carried by Cook on 4-22-10  |
| 61        |          |            | X  | X   | Photograph of 9 containers of LSD from Cook backpack  |
| 9         |          |            | X  | X   | Evidence Bag containing 9 "Fresh Breath" liquid mint packages containing LSD.   |
| 33B       |          |            | X  | X   | Photograph of cell phone  |
| 33A       |          |            | X  | X   | Cell Phone  |
| 30A       |          |            | X  | X   | Copies of Om Sha Tea Postcards  |
| 30B       |          |            | X  | X   | Copy of envelope from Cooks backpack  |
| 31        |          |            | X  | X   | Black Backpack  |
| 43A       |          |            | X  |     | Evidence Bag containing cash seized from Cook on 4-22-10  |
| 8         |          |            | X  | X   | Evidence Bag containing MDMA seized from Cook's backpack  |
|           |          | 9:42 a.m.  |    |     | The jury is admonished and court is recessed for 15 minutes   |
|           |          | 10:02 a.m. |    |     | Court reconvened.<br>All counsel are present.<br>The Defendant is present.<br>The jury is present.<br>Cross examination of <b>JAY DOUGLAS DIAL</b> by Mr. Weinberg. |
|           |          | 10:20 a.m. |    |     | Witness is thanked and excused.<br>The Government called <b>KENNETH JOHN GLENN</b> who was sworn and testified under direct examination by Ms. Cadet.               |
| 57        |          |            | X  |     | Arrest report dated 4-22-10   |
| 20        |          |            | X  | X   | CD containing DEA consensual audio recording of telephone call on 4-22-10 at 3:25 p.m. from Cook to Edmonds.  |
| 21        |          |            | X  | X   | Transcript of exhibit 20  |

EXHIBIT and WITNESS LIST Continued

| GOVT NO.: | DEF NO.: | TIME       | ID | ADM | DESCRIPTION   |
|-----------|----------|------------|----|-----|---|
|           |          | 10:43 a.m. |    |     | Sidebar conference held (reported)  |
|           |          | 10:59 a.m. |    |     | Sidebar conference concluded.<br>Cross examination of <b>KENNETH JOHN GLENN</b> by Mr. Weinberg.  |
|           |          | 11:01 a.m. |    |     | Witness is thanked and excused.<br>Sidebar conference held (reported)   |
|           |          | 11:05 a.m. |    |     | Sidebar conference concluded.<br>The Government called <b>DAVID JAMES MATEER</b> , who was sworn and testified under direct examination by Mr. Axelrod  |
| 52        |          |            | X  | X   | Demonstrative of an aerial map of Oakland and Berkeley  |
| 43A       |          |            |    | X   | Evidence Bag containing cash seized from Cook on 4-22-10  |
| 36A       |          |            | X  | X   | Photograph of rear of vehicle   |
| 36B       |          |            | X  | X   | Photograph of driver side of vehicle  |
|           |          | 11:25 a.m. |    |     | The jury is admonished and court recessed for 15 minutes.   |
|           |          | 11:45 a.m. |    |     | Court reconvened.<br>All counsel are present.<br>The Defendant is present.<br>The jury is present.<br>The witness, <b>DAVID JAMES MATEER</b> , resumed the witness stand and is voir dired by Mr. Weinberg. |
|           |          | 11:49 a.m. |    |     | Direct examination of <b>DAVID JAMES MATEER</b> by Mr. Axelrod, continued.  |
|           |          | 11:52 a.m. |    |     | Cross examination of <b>DAVID JAMES MATEER</b> by Mr. Weinberg.   |
|           |          | 12:00 p.m. |    |     | Re-direct examination of <b>DAVID JAMES MATEER</b> by Mr. Axelrod.  |
|           |          | 12:01 p.m. |    |     | Witness is thanked and excused.<br>The Government called <b>ROBERT KNIGHT</b> , who was sworn and testified under direct examination by Ms. Cadet.  |
|           |          | 12:29 p.m. |    |     | Cross examination of <b>ROBERT KNIGHT</b> by Mr. Weinberg.  |
|           |          | 12:49 p.m. |    |     | Re-direct examination of <b>ROBERT KNIGHT</b> by Ms. Cadet.   |

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**EXHIBIT and WITNESS LIST** Continued

| GOVT NO.: | DEF NO.: | TIME       | ID | ADM | DESCRIPTION   |
|-----------|----------|------------|----|-----|---|
|           |          | 12:50 p.m. |    |     | Witness is thanked and excused.<br>The Government called <b>DENNIS TSANG</b> , who was sworn and testified under direct examination by Mr. Axelrod. |
| 42        |          |            | X  | X   | DEA sketch of 590 63rd Street on 4-22-10  |
| 56        |          |            | X  |     | Search of 590 63rd Street on 4-22-10  |
|           |          | 1:21 p.m.  |    |     | The Court admonished the jury and is in recess until Tuesday, July 24, 2012 at 8:00 a.m.  |
|           |          | 1:29 p.m.  |    |     | Court is in recess until Tuesday, July 24, 2012 at 8:00 a.m.  |